

DEPARTMENT OF ECONOMIC DEVELOPMENT

STATE BOARD REPORT

DIVISION OF PROFESSIONAL REGISTRATION
PUBLISHED BY THE MISSOURI BOARD OF EXAMINERS FOR
HEARING INSTRUMENT SPECIALISTS

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HEARING INSTRUMENT SPECIALISTS ISSUES OF CONCERN

Throughout this past year, the Board has dealt with many issues relating to the practice of fitting hearing instruments. The Board feels the following information is important to note for its licensees.

As you will notice in the disciplinary section of this newsletter, the Board has disciplined a licensee for the failure to meet the requirements for purchase agreements. The Board has also reviewed several complaints that the purchase agreements do not meet the standards of Section 346.020, RSMo. The Board statutes and rules specifically outline what is required for a licensee to be in compliance with the requirements pertaining to purchase agreements. If a purchase agreement is reviewed and violations are noted, the license of the hearing instrument specialist is subject to discipline.

The Board suggests that not only should all hearing instrument specialists review Section 346.020 Purchase agreement contents but also that all licensees take the time to review 4 CSR 165-3.030 Medical Clearance and Waivers and the FDA requirements for the conditions for sale. When the practice of fitting hearing instruments is performed, purchase agreements are required and the above statute and rules must be adhered to.

Section 346.020 Purchase agreement, contents states:

1.) Any person who engages in the practice of fitting hearing instruments shall deliver to each person supplied with a hearing instrument a completed purchase agreement which shall include:

- A. the licensee's signature;
- B. the licensee's business address;
- C. the licensee's license number;
- D. the specific make of the hearing instrument furnished;
- E. the specific model of the hearing instrument

- furnished;
- F. the specific serial number of the hearing instrument furnished;
- G. the terms of the sale.

2) The terms of the sale shall be clearly stated in the purchase agreement using ordinary English language and terminology which is easily understood by the purchaser. The purchase agreement shall include, at a minimum:

- A. the exact amount of any down payment;
- B. the length of any trial period provided;
- C. the amount of any charges or service fees connected with any trial period;
- D. any right of the purchaser to return the hearing instrument
- E. if no right exists to return the hearing instruments, the seller shall specify such in writing in the agreement.

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MESSAGE FROM DIVISION DIRECTOR

Governor

The Honorable Matt Blunt

Department of Economic Development

Gregory A. Steinhoff, Director

Division of Professional Registration

Alison Craighead, Director

BOARD OF EXAMINERS FOR HEARING INSTRUMENT SPECIALISTS

BOARD MEMBERS

Charlotte Connell, Chairperson, Independence, MO
J. Scott George, Member, Mt. Vernon, MO
Roger Obermeier, Member, Jefferson City, MO
Linda Curbow, Au.D., Member, Springfield, MO
Linda Engelmann, Member, Liberty, MO
Ervin Dock, Member, Springfield, MO
Lois Reine, Public Member, Jefferson City, MO

BOARD STAFF

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Missouri Department of Economic Development
Missouri Division of Professional Registration

This is an official publication of the Division of Professional Registration. Submit articles to: BEHIS, P.O. Box 1335, Jefferson City, MO 65102.



The Division of Professional Registration recently hired Tom Reichard as Director of Budget and Legislation. Tom is a lifelong resident of Jefferson City and brings a wealth of business and management experience to the Division having owned and operated an office supply company for over twenty years. He and his wife, Cindy, have four children; Alan-27, Lisa-25, Katie-23, and Mark-16. Besides his children, he enjoys golf, fishing and tinkering with old cars.



In his new role, Tom will serve as the liaison for budget and legislative items between the professional boards, committees and commissions within the Division, the Department of Economic Development and the Missouri General Assembly. He has already begun working with each of the boards, committees and commissions to develop and prepare both legislation and budget items for the upcoming 2006 session.

We are excited to have Tom on board and welcome him to the Division!

Sincerely,

A handwritten signature in cursive script that reads "Alison Craighead".

Alison Craighead

MEET THE MEMBERS OF THE BOARD OF EXAMINERS FOR HEARING INSTRUMENT SPECIALISTS

The Missouri Board of Examiners for Hearing Instrument Specialists would like to take this opportunity to introduce the members of the Board and provide you with the structure of the Board and the requirements to become a member. The Board consists of 8 members, 5 hearing instrument specialists, one otolaryngologist, one voting public member and one audiologist holding a certificate of clinical competence and licensed pursuant to chapter 345, RSMo. Each hearing instrument specialist on the board shall have no less than five years experience in the practice of fitting hearing instruments and shall hold a valid license as a hearing instrument specialist. Each member of the board shall be appointed by the governor with the advice and consent of the senate. All members are appointed to serve four-year terms.

Listed below are the current members of the Board.



Charlotte Connell, Independence

Charlotte Connell is the Chair of the Board. Mrs. Connell was licensed as a Hearing Instrument Specialist in December 1992. Mrs. Connell was appointed to the Board in August 1998, her term expires August 16, 2005.



J. Scott George, Mount Vernon

Scott George was licensed as a Hearing Instrument Specialist in June 1996. Mr. George was appointed to the Board in April 2002, his term expires January 11, 2006.



Roger Obermeier, Jefferson City

Roger Obermeier was licensed as a Hearing Instrument Specialist in January 1994. Mr. Obermeier was appointed to the Board in April 2004, his term expires February 2, 2006.



Linda Curbow, Au.d. Springfield

Linda Curbow was licensed as a Hearing Instrument Specialist in May 1984. Dr. Curbow is also licensed as an Audiologist in the State of Missouri. Dr. Curbow was appointed to the Board in December 2004, her term expires January 11, 2008.



Linda Engelmann, Liberty

Linda Engelmann was licensed as a Hearing Instrument Specialist in February 1989. Mrs. Engelmann is also licensed as an Audiologist in the State of Missouri. Mrs. Engelmann was appointed to the Board in January 2005, her term expires January 11, 2007.



Ervin Dock, Springfield

Ervin Dock was licensed as a Hearing Instrument Specialist in January 1975. Mr. Dock was appointed to the Board in April 2005, his term expires January 11, 2009.



Lois Reine, Jefferson City

Lois Reine is the Public Member of the Board. Mrs. Reine was appointed to the Board in January 2003, her term expires January 1, 2008.

CHAIR'S REPORT

On behalf of the Board, I would like to take this opportunity to welcome our newly appointed members Linda Curbow, Linda Engelmänn and Ervin Dock. The Board looks forward to working with Mrs. Curbow, Mrs. Engelmänn and Mr. Dock as its newest members.

I would also like to thank Carol Bergmann for her hard work and dedication to the Board. Mrs. Bergmann served as a member of the Missouri Board of Examiners for Hearing Instrument Specialists from July 1, 2002 to April 13, 2005. Mrs. Bergmann was a great asset to the Board and her presence and wealth of knowledge will be greatly missed.

The Board office receives many questions regarding the administration of both the written and practical examinations. There seems to be confusion among applicants regarding when the examinations can be taken. Many individuals are under the impression that they can take the written examination one week and the practical examination the next. This is not correct. Applicants must successfully pass the written examination prior to taking the practical examination. For example, if an applicant takes the written examination in June, the applicant would not be able to sit for the practical examination until September. The written examination scores are typically received in the board's office approximately 4 weeks after the testing date. The written examination is scheduled to allow the Board time to receive the scores plus allow the applicant enough time to meet the 30 day application deadline for the practical examination. Also, please note that the written and practical examination dates are all tentatively scheduled. There are times when we must change the examination dates.

I would also like to address the supervisor's requirements to submit an attestation form within thirty (30) days of completion of registered supervision or upon the termination of a temporary permit, either by it expiring or the termination of the working relationship. The supervisor must document the supervision and training on the attestation form, regardless of the length of supervision. A permanent license cannot be issued until the attestation is received or if an applicant has changed supervisors, the new temporary permit cannot be issued until our office has received the attestation and the temporary permit license.

All registered supervisors should be aware of the responsibility and requirements of being a registered supervisor, therefore, you may wish to review Board Rules 4 CSR 165-2.020 Supervisors. The supervisor is responsible for the hearing instrument specialist in training and may subject not only their supervisor registration but their hearing instrument specialist license to discipline if the Practice Act and Rules are not adhered to.

If you have any questions, regarding this article please feel free to contact the board office.



Charlotte Connell, Board Chairman



EXECUTIVE DIRECTORS REPORT

I would like to take this opportunity to remind all licensed hearing instrument specialists that when you renew your license that expires on December 31, 2005, you will be issued a biennial license which will expire on December 31, 2007. The renewal fee for the biennial license is \$250.00. Licensees will be required to demonstrate that they have attended a minimum of twenty-four (24) hours of approved hearing instrument programs during the reporting period January 1, 2004 to December 31, 2005.

After the renewal period is completed, the Board will conduct a random audit of licensees to verify compliance with the continuing education requirements. If you are selected to participate in the audit, a letter will be sent to you requesting that you provide the continuing education certificates to the Board. The certificates must show the name of the course, date, sponsoring organization and the place and hours of attendance. The continuing education received must be during the reporting period January 1, 2004 to December 31, 2005. The Board hopes that the transition to biennial renewal will be a smooth process for licensees.

I would also like to take this opportunity to remind all licensed hearing instrument specialists of House Bill 600 (2003) and House Bill 978 (2004) which became effective July 1, 2003. House Bill 600 and House Bill 978 requires all persons and business entities renewing a license with the Division of Professional Registration to have paid all state income taxes, and have filed all necessary state income tax returns for the preceding three years. If you failed to pay your taxes or have failed to file your tax returns your license will be subject to immediate suspension within 90 days of being notified by the Missouri Department of Revenue of any delinquency or failure to file.

Anytime a license is disciplined by the Board, the discipline remains a permanent part of your record. Therefore, it is extremely important to make certain that all personal and business state income taxes are paid and all returns are filed.

The Board asks that any questions you may have be

referred to the Board's office. Therefore, questions can be answered based on full Board decisions and lessen miscommunication between the Board and its licensees. If questions are on complex issues, we might recommend requesting, in writing, an advisory opinion from the Board. Our hope is to make it as easy as possible for licensees to comply with Board Statutes and Regulations.



Dana K. Hoelscher, Executive Director

2005 CALENDAR OF EVENTS

The next meeting of the Missouri Board of Examiners for Hearing Instrument Specialist is scheduled on August 31, 2005. The meeting will be held at the Division of Professional Registration, Jefferson City, Missouri. The Practical Examination will be administered after the meeting on August 31, 2005 and if required on September 1, 2005.

For further information regarding meeting dates and times, please feel free to contact the Board's central office at (573) 751-0240. You may also obtain meeting and examination information by visiting our website, www.pr.mo.gov. The meeting schedule is as follows:

DECEMBER

December 3-Board Meeting in Jefferson City, MO

December 4-Practical Examination in Jefferson City, MO

December 10-Written Examination in Jefferson City, MO

HEARING INSTRUMENT SPECIALISTS ISSUES OF CONCERN - CONTINUED

3) If a hearing instrument which is not new is sold, the purchase agreement and the container thereof shall be clearly marked as "used", "recased" or "reconditioned", whichever is applicable, with terms of guarantee, if any.

4) If a hearing instrument is remanufactured or assembled by someone other than the manufacturer of the component parts, the purchase agreement shall contain the name of the manufacturer of the component parts and the assembler or reassembler of such hearing instrument.

4 CSR 165-3.030 Medical Clearance and Waivers states:

"(1) In accordance with federal law, all licensees shall clearly communicate to every purchaser, prior to the purchase, that s/he is not conducting an examination, diagnosis, or prescription by a person licensed to practice medicine in the state of Missouri, and therefore his/her opinions must not be regarded as medical opinion or advice.

(2) It shall be an unfair or deceptive practice for the licensee to misrepresent, either directly or by implication that the services of a physician have been used in the designing or manufacturing of hearing instruments, or in the selection, fitting, adjustment, maintenance, or repair of hearing instruments or ancillary products unless it is true.

(3) A licensee shall not represent, directly or by implication, in any manner as to have the capacity and tendency to mislead prospective purchasers into the belief that justifies disparagement of physicians or any other professional in the medical community.

(4) Should a purchaser refuse to consult a physician after being advised to do so by the licensee, the purchaser must sign a medical waiver, in accordance with federal law, which must be a part of or attached to the purchase agreement."

Also, included in the FDA requirements, Section 801.421 Hearing aid devices; conditions for sale

states:

"(a) Medical evaluation requirements - (1) General. Except as provided in paragraph (a) (2) of this section, a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the preceding 6 months.

(2) Waiver to the medical, evaluation requirements. If the prospective hearing aid user is 18 years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirement of paragraph (a) (1) of this section provided that the hearing aid dispenser:

(i) Inform the prospective user that the exercise of the waiver is not in the user's best health interest;

(ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation; and

(iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by _____ (Hearing aid dispenser's name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing aid. I do not wish a medical evaluation before purchasing a hearing aid."

Please note that item (iii) must be written verbatim, per federal regulations.

The information contained in this article is important for licensees to understand and to make certain that they are in compliance with not only the rules mentioned in this article but with all the laws and rules contained in the Hearing Instrument Specialists Practice Act and Rules.

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New Licensees **July 1, 2004 to June 30, 2005**

Edith Bobbitt Boyce	Pam Borum	Terri Cazzell	Robin Clay
Emily Finley	Amy Fleetwood	Donna Goosey	Maria Guillen
Deanna Harman	Lori Hill	Joseph Howe	Tricia Kaufmann
Salena Kennedy	Stacie Lapsley	Kristin Lisbona	Melissa Lowe
Melanie Macko	James Malle	Karen Malle	Shari Mashburn
Margaret Basile	Rebecca McDonald	Allison Merritt	Lara Noble
Matusofsky	Brent Peterson	Amy Smith	Rachel Spears
Ronald Peters	Karen Stevenson	Erika Ward	
Kelly Spiller			

New Temporary Permit Holders **July 1, 2004 to June 30, 2005**

Bruce Belcher	Mary Bollinger	Robin Clay	Vonda Floyd
Chandra Goodwin	Kyle Griffin	Misty Hicks	Brad Jackson
Tara Kadar	Brenda Malcomson	Mitchell Martinez	Stanley Petersen
Lucye Ritchey	Amber Shelton	Lowell Skinner	Jessica Tessmer

RECENTLY REGISTERED SUPERVISORS **July 1, 2004 to June 30, 2005**

Barbara Burns	Dick Clay	Jill Diesman
Larry Hungerford	Christopher Lammert	Nancy Richman
James Stobaugh	Bary Williams	

END OF YEAR REPORT - FISCAL YEAR 2005

Board activities as they relate to the hearing instrument specialist profession - 7/1/04 to 6/30/05

Total Number of Licenses - 455
New Licenses Issued - 31
By Examination - 12
By Endorsement - 19
Temporary Permits Issued - 16
Registration of Supervision
Certificates Issued - 8

Licenses Renewed - 437
Licenses Not Renewed for 2003 - 26

COMPLAINTS

Official Complaints Received - 6
Investigations Conducted - 0
Disciplinary Actions Taken - 2

STATE BOARD REPORT

DISCIPLINARY ACTIONS

All complaints received by the Board are assigned a complaint number. A complaint may be based upon personal knowledge or upon information and belief reciting information received from other sources. The complaints must be made in writing on forms provided by the board and shall fully identify the complainant by name and address. Verbal or telephone communications are not acceptable, but you may request a complaint form by telephone, fill it out and mail it back to the Board. You may also obtain a complaint form from our website, www.pr.mo.gov. In general, the complaint is considered to be a closed record and is not accessible to the public. Any complaint that is received by the Board is acknowledged in writing. The complainant will be notified of the final outcome. Any disciplinary action taken by the Board is a matter of public record. The Board believes publication of disciplinary actions to be in the public interest and has included such in this newsletter. If you have any questions, please contact the Board's office.

DISCIPLINED HEARING INSTRUMENT SPECIALISTS July 2004 - June 2005

VIOLATION - Section 346.105.2(5), (6), and (13), RSMo.

In January 2004, Thomas Bockerstette examined complainant for a hearing aid. The purchase agreement provided to complainant stated, in full: "All merchandise is guaranteed in accordance with the manufacturers specifications in regard to defects in materials and workmanship and is not to be considered as a money back guarantee. \$100.00 charge per unit on any cancellation." The length and terms of the trial period provided for use of the hearing aid were not included in the purchase agreement Mr. Bockerstette provided to complainant. In January 2004, Mr. Bockerstette fit Complainant with the hearing aid and in February 2004, Mr. Bockerstette adjusted the hearing aid. Complainant was unsatisfied with the hearing aid. In February 2004, Mr. Bockerstette informed complainant that he had a 30 day trial period, after receipt of the hearing aid, in which he could return the hearing aid for a refund, minus a \$100 fitting fee. The company refused to refund complainant's money. Mr. Bockerstette failed to ensure that the length and terms of the trial period provided were included in Complainant's purchase agreement, providing cause to discipline pursuant to Section 346.105.2(5), RSMo.

BOARD ACTION - Mr. Bockerstette's license was placed on probation for a period of six months. Mr. Bockerstette must also submit a revised purchase agreement to the Board which complies with the requirements of Section 346.020, RSMo.

VIOLATION - Section 346.105.2(5), (6), (10), and (13), RSMo.

From December 2001 to June 2003, Brian LaMarr held a temporary permit to practice as a hearing instrument specialist in Missouri. Royce LaMarr signed Brian LaMarr's application for a temporary permit as his supervisor. In October 2003, Complainant visited Brian LaMarr to purchase hearing aids, Brian LaMarr tested and fitted Complainant for a pair of in-the-ear hearing aids. The purchase agreement which Brian LaMarr provided to Complainant relating to the October 2004 purchase identified Brian LaMarr as a "specialist". In November Complainant picked up the aids she had purchased and the aids were adjusted by Brian LaMarr. The aids were also adjusted on two other occasions. In December 2003, Brian LaMarr prescribed and ordered new hearing aids for Complainant. Brian LaMarr adjusted the new aids on nine occasions for complainant. Complainant returned the aids in February 2004 and requested a cash refund. At the time of his meetings with Complainant to test her for hearing aids and to fit, sell, and adjust her hearing aids, Brian LaMarr was not licensed to engage in the practice of testing, fitting, or selling hearing aids in Missouri. By allowing Brian LaMarr to test, fit and sell hearing aids to complainant when his temporary permit was expired and to sign a purchase agreement indicating that he was a fully licensed hearing instrument specialist, Royce LaMarr assisted and enabled Brian LaMarr to violate Section 346.075.1, RSMo and 4 CSR 165-2.010(9), providing cause to discipline Royce LaMarr pursuant to Section 346.105.2(5), (6), (10), and (13), RSMo.

BOARD ACTION - Royce LaMarr's license was placed on probation for a period of one year.

SEMINARS FOR CEU CREDITS

The Board of Examiners for Hearing Instrument Specialists must approve continuing education courses before a licensee can use the hours from attending a continuing education course for renewal of a license. The Board has tried to make the continuing education approval process easy for its licensees and through its rule 4 CSR 165-2.050(1)(A), have established programs that are automatically approved. This means the automatically approved sponsors are not required to receive prior Board approval. 4 CSR 165-2.050(1)(A) states that the Board will automatically approve continuing education programs that are approved by the following organizations: 1) International Hearing Society (IHS); 2) American Speech and Hearing Association (ASHA); and 3) American Academy of Audiology (AAA). However, any group or individual that wishes to sponsor an educational program to meet the standard for annual license renewal that is not approved by the organizations listed in subsection (1)(A) shall submit the required documentation not less than thirty (30) days prior to the presentation of the program. Licensees may subject their license to disciplinary action for reporting continuing education hours that have not been approved by the Board.

The following represents continuing education courses, which have been approved for 2005.

DATE	SPONSOR	PROGRAM NAME	HRS	LOCATION	CONTACT
2/2/05	Washington University School of Medicine	Cochlear Implant Update: Current Caidacy Criteria and Nucleus 24 Technology	1	St. Louis, MO	Lauren Storr
2/4-5/05	St. Francis Med. Center	The 2005 Hearing Aid Update	12	Cape Girardeau, MO	Mary Underwood
3/1/05	Arizona School of Health Sciences	Doctor of Audiology	20	Mesa, AR	Carole Campbell
3/2/05	Washington University School of Medicine	AAA Task Force on the National Guideline to Verify, Select and Validate Hearing	1	St. Louis, MO	Lauren Storr
3/8/05	Kansas City Society of Audiology	Genetics and Hearing Loss	1.5	Kansas City, MO	Pat Murphy
3/18-19/05	Kansas Hearing Aid Association, Inc	Kansas Continuing Education Seminar	12	Wichita, KS	M. Day Kaufmann
4/6/05	Washington University School of Medicine	An Update of Hearing Aid Research Performed at the Washington University	1	St. Louis, MO	Lauren Storr
4/14/05	Sonic Innovations	Sonic Innovations Regional Training Seminar	4	St. Louis, MO	Erin Luckett
4/22-23/05	NE Hearing Society	Seminar	12	Lincoln, NE	Marliese Mohlman
5/4/05	St. Louis Children's Hospital	Continuing Education Requirements in Audiology	1	St. Louis, MO	Lauren Storr
6/1/05	St. Louis Children's Hospital	The Genetics of Hearing Loss	1	St. Louis, MO	Lauren Storr
7/6/05	St. Louis Children's Hospital	Update on Unitron Products and Wi-Fi Technology	1	St. Louis, MO	Lauren Storr
7/12/05	Kansas City Society of Audiology	Hearing Aid Technology Update	1.5	Mission, KS	Pat Murphy
8/3/05	St. Louis Children's Hospital	Newborn Hearing Screening in BJC Hospitals	1	St. Louis, MO	Lauren Storr
9/7/05	St. Louis Children's Hospital	Hearing Loss in Pediatric Oncology Patients	1	St. Louis, MO	Lauren Storr
9/23-24/05	University of Iowa	Management of the Tinnitus Patient	13.5	Springfield, MO	Shari Norval, AuD

STATE BOARD REPORT

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
DIVISION OF PROFESSIONAL REGISTRATION

MISSOURI BOARD FOR HEARING INSTRUMENTS

3605 MISSOURI BLVD
PO BOX 1335
JEFFERSON CITY MO 65102

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PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS

Name: _____ License Number: _____

Old Address: _____

New Address: _____

Phone Number: _____

Signature: _____ Date: _____

Mail or Fax to:

Missouri Board of Examiners for Hearing Instrument Specialists
3605 Missouri Boulevard, PO Box 1335
Jefferson City, MO 65102
(573) 526-3856 (Fax)